

**NEVADA DEPARTMENT OF  
CONSERVATION & NATURAL RESOURCES**

**STATE ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVES FOR**

**REGULATORY PETITIONS**

**COMMISSION PETITION NO. 2000-04**

**LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-019-00**

**DOCUMENTS INCLUDED IN THIS FILE:**

**YES SECRETARY OF STATE FILING FORM**

**YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B**

**REGULATORY PETITIONS**

**ORIGINAL DRAFTED BY COMMISSION**

**ADOPTED BY COMMISSION**

**YES AS FILED AND CODIFIED BY LCB**

Secretary of State  
Filing Data

**For Filing Administrative  
Regulations**

For Emergency  
Regulations Only

Effective Date

Expiration Date

Governor's Signature

**State Environmental Commission**

Classification ☐ Proposed ☐ Adopted By Agency ☒ Temporary ☐ Emergency ☐

**Brief description of action:** **Petition 2000-04 (LCB File R-019-00)** is a permanent regulation amending NAC 444.850 to 444.8746. The petition adds new language and amends NAC 444.8633 and 444.8634 to allow the Division of Environmental Protection to issue U.S. EPA identification numbers to hazardous waste generators, transporters and facilities in Nevada.

**Authority citation other than 233B:** NRS 459.485

**Notice date:** March 21, 2000, March 29, 2000 and April 6, 2000

**Hearing date:** April 20, 2000

**Date of Adoption of Agency:** April 20, 2000

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
PERMANENT PETITION 2000-04 (R-019-00)  
STATE ENVIRONMENTAL COMMISSION**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 444. This was amendments to the hazardous waste program regulations.

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

**Petition 2000-04 (R-019-00)**, was noticed three (3) times: March 21, 2000, March 29, 2000 and April 6, 2000 as a permanent regulation in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. A report was prepared that summarized the public meetings. All affected permittees where mailed the proposed rules, including other interested parties. A regulatory workshop was held on February 29, 2000 in Carson City, Nevada. Five parties attended the workshop; the primary questions asked related to how the regulations were going to be implemented. The regulation was adopted by the State Environmental Commission on April 20, 2000. No verbal or written comments were received at the Commission's hearing supporting or opposing this permanent regulation. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

**2. The number persons who:**

<b>(a)</b>	<b>Attended each hearing;</b>	18
<b>(b)</b>	<b>Testified at each hearing:</b>	0
<b>(c)</b>	<b>Submitted to the agency written comments:</b>	0

**3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates of the public notices and public workshops. No oral testimony was received that opposed or supported the permanent regulation. No written testimony was received relating to the permanent regulation. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted by the State Environmental Commission on April 20, 2000 with no proposed amendments.

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

(a) Estimated economic effect of the regulation on the business which it is to regulate;

The proposed permanent regulation is not anticipated to have any significant adverse short or long-term economic impact on Nevada businesses. The proposed regulation should make it easier for affected businesses to comply by simplifying the requirements to secure a hazardous waste generator, transporter and facility number.

(b) Estimated economic effect on the public;

The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulations do not overlap or duplicate any regulations of another state or local governmental agency.

**8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The regulations are no more stringent than federal regulations.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not add a new fee, nor increase an existing fee.

**END OF FILING STATEMENT FOR 2000-04 (R-019-00)**

**FILED PERMANENT REGULATION OF THE  
NEVADA STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R019-00**

**Effective May 26, 2000**

EXPLANATION - Matter in *italics* is new, matter in brackets [~~omitted material~~] is material to be omitted.

Authority: §§1-3, NRS 459.485.

**Section 1.** Chapter 444 of NAC is hereby amended by adding thereto a new section to read as follows:

*A generator, transporter or facility owner or operator who is required to obtain an EPA identification number pursuant to 40 C.F.R. §§262.12, 263.11, 264.1(j)(1), 264.11 or 265.11 may obtain information relating to the procedure to obtain the identification number and an application by submitting a written request to the Division of Environmental Protection, 333 West Nye Lane, Room 138, Carson City, Nevada 89706-0851.*

**Sec. 2.** NAC 444.8633 is hereby amended to read as follows:

444.8633 Except as otherwise provided in NAC 444.8634:

1. Any references in any part of Title 40 of the Code of Federal Regulations to the U.S. Environmental Protection Agency, "United States Environmental Protection Agency," "Agency," "EPA Headquarters," "EPA Region(s)" or "EPA" which have been adopted by reference shall be deemed to mean the "department" with the following exceptions:

- (a) Any reference to "EPA" identification numbers;
- (b) Any reference to "EPA" hazardous waste numbers;
- (c) Any reference to "EPA" test methods;
- (d) Any reference to "EPA" forms;
- (e) Any reference to "EPA" publications or manuals;
- (f) Any reference to "EPA" guidance;
- (g) Any reference to "EPA" Acknowledgment of Consent; and
- (h) Any reference to "EPA" or "Agency" in:

(1) Sections 124.1(f), 124.2(b), 124.6(e) and 124.10(c)(1)(ii);

(2) The provisions of section 124.2(a) defining "Administrator," "Director," "EPA," "permit," "person" and "Regional Administrator";

(3) The provisions of section 260.10 defining "Administrator," "EPA Region," "federal agency," "person" and "Regional Administrator";

(4) Part 260, Appendix I;  
(5) Part 261, Appendix IX;  
(6) Section 262.32(b), Part 262, Subpart E, and the Appendix to Part 262;  
(7) The Note following section 263.10(a);  
(8) Sections 264.11 and 265.11;  
(9) Section 268.1(e)(3);  
(10) Sections 270.1(a)(1), 270.1(b), 270.3, 270.5, 270.10(e)(1)-(2), 270.11(a)(3), 270.32(a), 270.32(c), 270.51, 270.72(a)(5) and 270.72(b)(5); and  
(11) The provisions of section 270.2 defining "Administrator," "approved program or approved State," "Director," "Environmental Protection Agency," "EPA," "final authorization," "permit," "person," "Regional Administrator" and "state/EPA agreement."

2. Any references in any part of Title 40 of the Code of Federal Regulations to the "Regional Administrator" or "Administrator" which have been adopted by reference shall be deemed to mean the "director" with the following exceptions:

(a) The provisions of section 124.2(a) defining "Administrator," "Director," "interstate agency," "major facility" and "Regional Administrator";  
(b) Sections 124.2(b), 124.5(d), 124.6(e) and 124.10(b);  
(c) The provisions of section 260.10 defining "Administrator," "Regional Administrator" and "hazardous waste constituent";  
(d) Section 261.30(b) and Part 261, Appendix IX;  
(e) Section 262.12, Part 262, Subpart E, and the Appendix to Part 262;  
(f) ~~[Section 263.11;]~~ **Sections 263.11 and 264.1(j)(1);**  
(g) Sections 264.12(a) and 265.12(a);  
(h) The provisions of section 270.2 defining "Administrator," "Director," "major facility," "Regional Administrator" and "state/EPA agreement"; and  
(i) Sections 270.3, 270.5, 270.10(e)(1)-(2), 270.10(e)(4), 270.10(f)-(g), 270.11(a)(3), 270.14(b)(20), 270.32(b)(2) and 270.51.

3. Any references in any part of Title 40 of the Code of Federal Regulations to the "Resource Conservation and Recovery Act," "RCRA," "Subtitle C of RCRA," "RCRA Subtitle C" or "Subtitle C" which have been adopted by reference shall be deemed to mean "NRS 459.400 to 459.600, inclusive," when referring to an operating permit or to the federal hazardous waste program, with the following exceptions:

(a) Any references to a specific provision of the "Resource Conservation and Recovery Act," "RCRA," "Subtitle C of RCRA," "RCRA Subtitle C" or "Subtitle C";  
(b) The provisions of section 124.2 defining "appropriate act and regulations" and "RCRA";  
(c) The provisions of section 260.10 defining "Act or RCRA";  
(d) Part 260, Appendix I;  
(e) Part 261, Appendix IX;  
(f) The Appendix to Part 262;  
(g) Section 270.1(a)(2); and  
(h) The provisions of section 270.2 defining "RCRA" and the provision of section 270.51 defining "RCRA permit."

4. Following any references in any part of Title 40 of the Code of Federal Regulations to a specific provision of the "Resource Conservation and Recovery Act," "RCRA," "Subtitle C of RCRA," "RCRA Subtitle C" or "Subtitle C," which have been adopted by reference, the phrase "or any comparable provisions of NRS 459.400 to 459.600, inclusive, and any regulations adopted pursuant thereto" shall be deemed to be added with the following exceptions:

- (a) Section 270.1(a)(2);
- (b) Section 270.72(a)(5); and
- (c) Section 270.72(b)(5).

5. Any references in any part of Title 40 of the Code of Federal Regulations to the "Department of Transportation" or "DOT" which have been adopted by reference shall be deemed to mean "the Department of Transportation of the United States."

6. Any references in any part of Title 40 of the Code of Federal Regulations to "state(s)," "authorized state," "approved state" or "approved program" which have been adopted by reference shall be deemed to mean "Nevada" with the following exceptions:

- (a) The provisions of section 124.2(a) defining "Director," "interstate agency," "person" and "state";
- (b) The provisions of section 260.10 defining "person," "state" and "United States";
- (c) Part 262;
- (d) Sections 264.143(e)(1), 264.145(e)(1), 264.147(a)(1)(ii), 264.147(b)(1)(ii), 264.147(g)(2) and 264.147(I)(4);
- (e) Sections 265.143(d)(1), 265.145(d)(1), 265.147(a)(1)(ii), 265.147(g)(2) and 265.147(i)(4); and
- (f) The provisions of section 270.2 defining "approved program or approved State," "Director," "final authorization," "person" and "state."

**Sec. 3.** NAC 444.8634 is hereby amended to read as follows:

444.8634 1. Any reference to the following terms in 40 C.F.R. Part 2, Subpart A, shall be deemed to have the meanings ascribed thereto in this section:

- (a) "District court of the United States" or "Federal district court" shall be deemed to mean "district court in Nevada";
- (b) "Federal agency" shall be deemed to mean "state agency";
- (c) Except in section 2.118(a), "Freedom of Information Act," "FOIA," the "Act" or "5 U.S.C. 552" shall be deemed to mean "NRS 459.555 and any regulations adopted pursuant thereto";
- (d) "Freedom of information officer" shall be deemed to mean the "administrator of the division or his designee";
- (e) "General counsel" shall be deemed to mean the "attorney general of Nevada";
- (f) Any addresses shall be deemed to mean the "Division of Environmental Protection, 333 W. Nye Lane, Room 138, Carson City, Nevada 89706-0851";
- (g) Any references to the employment rankings of "GS-8" or "GS-9" shall be deemed to mean, respectively, "grade 31" and "grade 32" of the Nevada personnel system established pursuant to NRS 284.170, and any reference to a fee for the cost of staff time shall be deemed to mean, respectively, \$15 and \$22.50 per half hour;

(h) Any references to duplication or reproduction charges of "\$0.15 per page" shall be deemed to mean "10 cents per page"; and

(i) Any reference to an officer except the general counsel shall be deemed to mean the "administrator of the division."

***2. Any reference to the "Administrator" in 40 C.F.R. 262.12, 263.11 or 264.1(j)(1) shall be deemed to include the "director."***

***3. Any reference to the "EPA" in 40 C.F.R. 264.11 or 265.11 shall be deemed to include the "director."***

**4.** Fees required to be paid to the "U.S. Environmental Protection Agency" or the "United States Environmental Protection Agency" pursuant to section 2.120 of 40 C.F.R. ~~[Part 2]~~ must be paid to the "State of Nevada" and deposited in the account for the management of hazardous waste.

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